

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

NOV 21 1995

FEDERAL COMMUNICATIONS COMMISSION

In the Matter of
Toll Free Service
Access Codes

CC Docket No. 95-155

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS OF AT&T CORP.

Mark C. Rosenblum
Peter H. Jacoby
Clifford K. Williams

Room 3252F2
295 North Maple Avenue
Basking Ridge, New Jersey 07920
(908) 221-7935

Its Attorneys

November 20, 1995

No. of Copies
List ACCORD

079

TABLE OF CONTENTS

INTRODUCTION	1
I. PLANNING FOR NEW TOLL FREE SACS SHOULD COMMENCE UPON INTRODUCTION OF EACH NEW TOLL.... FREE CODE AND BE TRIGGERED BY DEPLETION OF AVAILABLE NUMBERS TO A SPECIFIED LEVEL	6
II. RESPORGS SHOULD BE PERMITTED TO SELECT UP..... TO 15% OF CURRENT NUMBERS FOR REPLICATION	8
CONCLUSION	10

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

NOV 20 1995

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)

Toll Free Service)
Access Codes)

CC Docket No. 95-155

REPLY COMMENTS OF AT&T CORP.

INTRODUCTION

AT&T Corp. ("AT&T") hereby replies to the comments submitted in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), released October 5, 1995.¹

AT&T's comments demonstrated that the Commission can promote the efficient, orderly, and fair use of toll free numbers by (i) recommending that the industry adopt guidelines and procedures to reduce the intervals of time that toll free numbers can be "reserved," "assigned," "suspended," or "aged," (ii) recommending that the industry establish guidelines that will facilitate the "opening" of toll free service access codes ("SACs") in the future, (iii) adopting Commission rules preventing the "warehousing" and

¹ The parties that have submitted comments are listed in Appendix A hereto, and are referred to by the abbreviations set forth in the Appendix. AT&T submits these reply comments on November 20, 1995. The Commission was unable to accept filings from November 15 through November 19.

"hoarding" of toll free numbers, and (iv) adopting Commission rules permitting carriers to grant a right of first refusal to a limited number of toll free subscribers with "vanity numbers." The comments confirm the correctness of each of AT&T's proposals.

There is wide agreement that the Commission should recommend reductions in the number of days that a toll free number can remain in a specific status -- but should do so in a manner that takes account of customer and carrier needs. Commenters thus recognize that reducing the time that a number may be held in "reserved" status from 60 to 45 days is feasible.² The comments also confirm that reducing the time that a number may be "assigned from 12 to 4 months will increase the availability of numbers and generally will not adversely affect subscribers."³ Commenters also generally recognize that reducing the "aging" interval from 6 months to 4 months will not cause excessive misdialing in the future. In addition, the comments confirm that the suggested reduction of the "suspended" interval from 12 to 4 months will harm customers with seasonal businesses, and should not be adopted.⁴

² See, e.g., AirTouch Paging, p. 16; CompTel, p. 7; Telco Planning, p. 2.

³ See, e.g., CompTel, p. 7; PCIA, p. 15.

⁴ See, e.g., BellSouth, pp. 6-7. As AT&T explained in its comments, the appropriate intervals should be embodied in Industry Guidelines, which can be readily altered to reflect new circumstances, rather than in Commission rules.

The comments also confirm that an escrow deposit will not discourage inefficient use of toll free numbers, but may unduly limit the ability of smaller customers and RespOrgs to reserve numbers.⁵ The comments also demonstrate that the Commission should encourage, but not require, the use of personal identification numbers ("PINs").⁶

Further, the comments show that the Commission should adopt rules requiring that a RespOrg must receive an affirmative customer request before reserving or assigning a number.⁷ It is, however, also clear that the Commission should not require carriers to retain records of such requests for two years.⁸ The Commission will remain in a position to investigate evidence of violations, and other less burdensome measures, including reservation limits and reduction in lag times, are sufficient to prevent warehousing and hoarding.

Commenters agree that establishing a 45-day advance reservation period prior to general availability of new codes will more evenly distribute SMS database demands and reduce the likelihood that data links between the

⁵ See, e.g., 800 Users Coalition, p. 4; CompTel, p. 7; MCI, p. 3; Sprint, pp. 4-5; TRA, p. 6.

⁶ See, e.g., AirTouch Paging, pp. 15-16; GTE, p. 8; LDDS, p. 6; MFS, p. 6; U S West, p. 10.

⁷ See, e.g., MFS, p. 2; PacBell, p. 2; SWB, p. 3.

⁸ See, e.g., AT&T, p. ; PacBell, p. 2; SWB, p. 3.

industry SMS and carrier service control points ("SCPs") will be overloaded by surges in traffic.⁹ Commenters also agree that introduction of a new toll free code should begin well in advance of the projected depletion of the existing code.¹⁰ As AT&T shows more fully in Section I, general planning should commence for the succeeding code each time a new SAC is opened, and more specific implementation deadlines should be triggered by depletion of toll free numbers to a certain, percentage-based level. Moreover, in general, the Commission's time frames for deployment of new toll free codes are feasible.¹¹

The parties concur the SMS must be administered and operated by a neutral third party.¹² The SMS administrator can provide general toll free number information to the Commission in order to assist it, but should not make public any carrier- or customer-specific information.¹³

Almost unanimously, commenters agree that "warehousing" and "hoarding" should be deemed unreasonable

⁹ See, e.g., MCI, p. 13.

¹⁰ See, e.g., LDDS, p. 8; Paging, p. 11; Scherers, p. 12.

¹¹ See, e.g., Bell Atlantic, p. 6; MCI, pp. 19-20; Sprint, p. 12.

¹² See, e.g., LDDS, p. 9; MFS, p. 10; TRA, p. 21.

¹³ See, e.g., Avis, p. 2; Bell Atlantic, p. 6; BellSouth, p. 14; LDDS, p. 10.

practices under the Communications Act.¹⁴ There is, however, no need for a certification requirement, because the Commission has authority to investigate and penalize parties for engaging in unreasonable practices. As the comments also show, the Commission can further limit the possibility of abuses by placing a reservation "cap," equal to roughly 8 percent of working numbers, on each RespOrg.¹⁵

Finally, the comments demonstrate that the Commission must allow some replication of "vanity numbers" in new toll free SACs. The customer confusion, loss of "branding," and inefficient use of the network that would result from subscribers' inability to replicate would not serve the public interest. Commenters also concur that use of Standard Industrial Classification ("SIC") codes will not avert these problems.¹⁶ Though a few commenters suggest that replication would lead to premature SAC exhaust, as AT&T shows in Section II, a Commission rule requiring RespOrgs to select for replication no more than 15% of toll free numbers would prevent excessive duplication. Moreover, the Commission can refine the replication process by

¹⁴ See, e.g., Avis, p. 2; Bell Atlantic, p. 6; BellSouth, p. 14; LDDS, p. 10.

¹⁵ See, e.g., LDDS, p. 12 (ten percent cap); Scherers, p. 16 (eight percent, or 1,000 numbers, whichever is greater); SNAC, p. 14 (same); Sprint, p. 10 (ten percent, or 1,000 numbers, whichever is greater).

¹⁶ See, e.g., 800 Users Coalition, pp. 22-23; MCI, pp. 15-16; Scherers, p. 16; Sprint, 20-22.

providing criteria to assist RespOrgs in identifying well-known, widely advertised, and consumer-focused numbers.

ARGUMENT

- I. PLANNING FOR NEW TOLL FREE SACS SHOULD COMMENCE UPON INTRODUCTION OF EACH NEW TOLL FREE CODE AND BE TRIGGERED BY DEPLETION OF AVAILABLE NUMBERS TO A SPECIFIED LEVEL

Many commenters agree that planning for new toll free codes must begin early, and should allow all industry participants sufficient time for planning and implementation.¹⁷ As AT&T showed in its comments, general planning for a succeeding code should commence at the introduction of a new SAC, followed by more specific planning based upon a "trigger" alerting the industry to the possibility of code exhaustion.¹⁸

A few commenters suggest that the trigger should be based upon depletion of a toll free SAC to relatively low number (such as 1 million),¹⁹ or should be left to the SMS administrator to develop.²⁰ A trigger based on a modest percentage (such as 50%) depletion of numbers within the existing code is a superior solution. Delaying specific implementation measures until as few as 1 million numbers

¹⁷ See, e.g., MCI, p. 19; Scherers, p. 12; Sprint, p. 12.

¹⁸ AT&T, pp. 15-16. With appropriate planning procedures and an adequate trigger, additional "circuit breaker" measures, see NPRM, paras. 51-55, will be unnecessary.

¹⁹ SNET, p. 11.

²⁰ CompTel, p. 6.

remain will not adequately account for the likelihood of accelerated demand as an existing code nears depletion, and will not afford sufficient time to implement a new code before the prior code is depleted. Further, based on past efforts, the Commission is well-positioned to assist the industry in developing criteria for other toll free SACs.

Many comments support the Commission's tentative conclusions that six months is sufficient lead-time for implementation a new SAC, and that software for all toll free SACs reserved by the industry in June 1995 be installed in network switches by February 1997.²¹ AT&T supports this conclusion in principle. As AT&T showed in its comments, software upgrades for all toll free SACs are feasible for AIN-based networks by February 1997.

However, carriers using non-AIN platforms, including many smaller LECs may require additional time for development and installment of software to support the SAC codes reserved by the industry for toll free use in January 1995, and for subsequent toll free SACs.²²

²¹ The codes selected by the industry were 888, 877, 866, 855, 844, 833, and 822. NPRM, para. 9, n.23.

²² As AT&T explained in its comments (p. 16), carriers will need to request software upgrades at least twelve months prior to implementation. Several commenters maintain that the Commission should not require LECs to route 888 (and subsequent toll free SAC) calls through the end office, rather than through a tandem. See, e.g., GTE, p. 7; NYNEX, pp.6-7; SNET, pp. 2-3. In AT&T's view, the Commission's proposal requires local exchange carriers to route 888 calls in the same manner that the LECs

II. RESPORGS SHOULD BE PERMITTED TO SELECT UP
TO 15% OF CURRENT NUMBERS FOR REPLICATION

The commenters fall into two broad categories on the issue of replication of "vanity numbers" in the 888, and subsequent toll free, SACs.²³ Some commenters maintain that no subscriber should be given a right of first refusal due to the potential for premature code exhaust.²⁴ Other commenters maintain that such a right of first refusal should be extended to all 800 subscribers.²⁵ Neither of these proposals will adequately protect users or subscribers of toll free services.

Those commenters who maintain that all subscribers should be afforded a right of first refusal for numbers in the 888 SAC ignore the fact that this procedure would cause inefficient use of numbering resources. In such an environment, all subscribers would feel compelled to attempt to replicate their numbers, simply to take advantage of

currently route 800 calls, an arrangement which AT&T supports. This requirement will not impose any undue or unanticipated burdens on local exchange carriers. LECs should of course reflect differences in the type and quality of toll free access services in the tariffed rates for those services.

²³ The Commission has defined a "vanity number" as "a telephone number for which the letters associated with the number's digits on a telephone handset spell a name or word of value to the number holder." NPRM, para. 35.

²⁴ See, e.g., Ameritech, p. 31; CompTel, pp. 12-13; NYNEX, p. 7; SNET, p. 12.

²⁵ See, e.g., 1-800-Flowers, p. 9; 800 Users Coalition, pp. 18-20; Enterprise Rent-A Car, pp. 3-4; GSA, p. 3.

protection offered by the Commission and to mirror the behavior of other 800 subscribers.

Commenters suggesting that replication should not be permitted argue primarily that replication will lead inevitably to premature toll free code exhaust.²⁶ The Commission can avert this concern by limiting replication by RespOrgs to no more than 15% of working numbers. Current industry estimates indicate that this cap should allow all numbers requiring protection to be replicated and should prove sufficient to allow RespOrgs to meet subscriber demand.²⁷ Moreover, the claim that even limited replication will prove unnecessary if "vanity numbers" are "held back" until the 888 SAC has been substantially depleted is incorrect. Such a rule will only delay attempts to acquire valuable toll free numbers used by other subscribers.²⁸

Replication should of course be based upon legitimate public interest considerations. As AT&T

²⁶ See, e.g., Ameritech, p. 31; CompTel, pp. 12-13; NYNEX, p. 7; SNET, p. 12.

²⁷ The 800 Users Coalition estimates that demand for replication of 888 numbers could run as little as 6 percent of the total of 800 numbers. 800 Users Coalition, p. 16.

²⁸ Similarly, "suppression" of vanity numbers -- making them completely unavailable -- will result only in efficient use of numbering resources, by ensuring that no subscriber uses the number for any purpose. "Partitioning" of SACs for particular uses will not prevent, and may hasten, exhaustion of toll free SACs. Further, use of an intercept "gateway" message will confuse callers, particularly those that have dialed the correct toll free number.

- 10 -

demonstrated in its comments, selection of numbers for replication in the 888 SAC should be limited to those numbers that are widely-advertised, well-known, and used by consumers. In order to assist RespOrgs in selection of appropriate numbers for replication, the Commission should provide more specific guidelines as to when numbers meet these requirements.

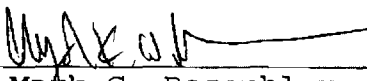
CONCLUSION

In sum, the Commission should promote the efficient, fair, and orderly allocation of toll free numbers as suggested herein.

Respectfully submitted,

AT&T CORP.

By


Mark C. Rosenblum
Peter H. Jacoby
Clifford K. Williams

Room 3252F2
295 North Maple Avenue
Basking Ridge, New Jersey 07920
(908) 221-7935

Its Attorneys

Dated: November 20, 1995

CERTIFICATE OF SERVICE

I, Viola J. Carlone, do hereby certify that on this 20th day of November, 1995, a copy of the foregoing Reply Comments of AT&T Corp. was mailed by U.S. first class mail, postage prepaid, to the parties listed on the attached.



Viola J. Carlone

Service List

Christopher G. McCann
1-800-Flowers
1600 Stewart Avenue
Westbury, NY 11590

Dr. Kevin Groid
1-800 THERAPIST NETWORK
2923 Camino Del Mar
Suite 6
Del Mar, CA 92014

Colleen L. Boothby
Laura F. H. McDonald
Levine, Blaszk, Black &
Boothby
1300 Connecticut Ave., N.W.
Washington, D.C. 20036
Attorneys for the 800 Users
Coalition

Lawrence F. Chesto
Aeronautical Radio, Inc.
2551 Riva Road
Annapolis, MD 21401

Carl W. Northrop
Bryan Cave LLP
Airtouch Paging
700 Thirteenth Street, N.W.
Suite 700
Washington, DC 20005

Roy L. Morris
Allnet Communication
Services, Inc.
1990 M Street, NW Suite 500
Washington, DC 20036

Gregory M. Scott
Collier, Shannon, Rill &
Scott
3050 K Street, NW
Washington, DC 20007
Attorneys for the American
Car Rental Association

Glenn S. Richards
Fisher Wayland Cooper
Leader
& Zaragoza, LLP
2001 Pennsylvania Ave., NW
Suite 400
Washington, DC 20006
Attorneys for American
Telegram Corporation

Wayne V. Black
C. Douglas Jarrett
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, DC 20001
Attorneys for The American
Petroleum Institute

Charles H. Helein
Helein & Associates
8180 Greensboro Drive Suite
700
McLean, VA 22102
Attorneys for
Americas Carrier
Telecommunications
Association

Darlene Dietrich Roberst
AmeriCom Network
24724 Eden Avenue
Hayward, CA 94545

Gary L. Phillips
Ameritech
1401 H Street, NW Suite
1020
Washington, DC 20005

Albert Halprin
Melanie Haratunian
Halprin, Temple, Goodman &
Sugrue
1100 New York Avenue, NW
Suite 650 East Tower
Washington, DC 20554
Attorneys for AVIS Rent A
Car

Edwin N. Lavergne
Darren L. Nunn
Ginsburg, Geldman and Bress
Chartered
1250 Connecticut Avenue, NW
Washington, DC 20036
Attorneys for Bass Pro
Shops

David A. Urman
*Bass Tickets Inc.

John M. Goodman
Bell Atlantic
1133 20th Street NW
Washington, DC 20036

Heleen A. Shockey
BellSouth
Telecommunications, Inc.
4300 Southern Bell Center
675 W. Peachtree Street, NE
Atlanta, GA 30375

Deena M. Mistretta
Rachel J. Rothstein
Cable & Wireless, Inc
8219 Leesburg Pike
Vienna, VA 22182

Steve Davis
Charter Medical Corporation
3414 Peach Tree Road
Suite 140
Atlanta, GA 30326

Mathew O'Brian
*Communication Managers
Association

Genevieve Morelli
The Competitive
Telecommunications
Association
1140 Connecticut Avenue.,
NW
Suite 220
Washington, DC 20036

Wayne C. Rapp
Crestar Bank
7818 Parham Road
Richmond, Va 23294

Joel DeFabio
Attorney at Law
Suite 430
2121 Ponce De Leon
Coral Gables, Florida 33134

Napoleon Barragan
Dial-A-Mattress
31-10 48th Avenue
Long Island City, NY 11101

Catherine Wang
William B. Willhelm, Jr.
Swindler & Berlin
3000 K Street, NW
Suite 300
Washington, DC 20007
Attorneys for Enterprise
Rent-A-Car, Inc.

Emily C. Hewitt
Vincent L. Crivella
Michael J. Ettner
Jody Burton
General Service
Administration
18th & F Streets, NW, RM
4002
Washington, DC 20405

* Carolyn P. Green

David J. Gudino
GTE Service Corporation
1850 M Street, NW
Suite 1200
Washington, DC 20036

Glen A. Payne
INVESCO Funds Group
7800 East Union Avenue
Denver, Colorado 80237

Joseph Edward Page
4365 Executive Drive # 700
San Diego, CA 92121-2126

Douglas W. Kindoph
ICI International, Inc.
8180 Greensboro Drive
Suite 800
McLean, VA 22102

Richard S. Whitt
LLDS WorldCom
1120 Connecticut Avenue, NW
Suite 400
Washington, DC 20036

Mark D. Olson
410 W. Badillo Street., 2nd
Floor
Covina, CA 91723

Loretta J. Garcia
Donald J. Elardo
MCI Telecommunications
Corporation
1801 Pennsylvania Ave., NW
Washington, DC 20006

Andrew D. Lipman
Russell M. Blau
Swindler & Berlin
3000 K Street, NW
Washington, DC 20007
Attorneys for MFS
Communications Co., Inc.

David Cosson
Pamela Sower
National Telephone
Cooperative Association
2626 Pennsylvania Ave., NW
Washington, DC 20037

Adrienne J. Melillo
Network Telephone Services,
Inc.
Woodland Hills, CA 91367

Christy C. Kunin
Glenn B. Manishin
BLUMENFIELD & COHEN
1615 M Street, NW Suite 700
Washington, DC 20036
Attorneys for NEXTLINK,
Inc.

Gary D. Hailey
Jeffrey D. Knowles
Venable, Baetjer, Howard &
Civiletti
1201 New York Avenue, NW
Washington, DC 20005
Attorneys for NIMA
International

William J. Balcerski
NYNEX Telephone Companies
1111 Westchester Ave.
White Plains, NY 10604

Stuart Polikoff
Lisa M. Zaina
OPASTCO
21 Dupont Circle, NW
Suite 700
Washington, DC 20036

Lucille M. Mates
Sarah Rubenstein
Pacific and Nevada Bell
140 New Montgomery Street,
Rm 1522A
San Francisco, CA 94105

Margaret E. Garber
James L. Wurtz
Pacific and Nevada Bell
1275 Pennsylvania Avenue,
NW
Washington, DC 20004

Lee A. Rau
Judith St. Ledger-Roty
REED SMITH SHAW & MCCLEAY
1301 K Street, NW
Suite 1100 East Tower
Washington, DC 20005
Attorneys for Paging
Network, Inc.

Mark J. Golden
Personal Communications
Industry Association
1019 19th Street, NW
Suite 1100
Washington, DC 20036

Edwin N. Laverigne
Darren L. Nunn
Ginsburg, Geldman and Bross
Chartered
1250 Connecticut Avenue, NW
Washington, DC 20036
Attorneys for Promoline,
Inc.

Joan E. Neal
Cheryl A. Tritt
MORRISON & FOERSTER
2000 Pennsylvania Avenue,
NW
Suite 5500
Washington, DC 20006
Attorneys for Puerto Rico
Telephone Company

Cheryl A. Tritt
Joan E. Neal
Morrison & Foerster
2000 Pennsylvania Avenue,
NW
Suite 5500
Washington, DC 20006

Gorden N. Bloom
RoadWay Package System,
Inc.
PO Box 108
Pittsburgh, PA 15230

Susan Drumbetta
Scherers Communications
Group, Inc.
575 Scherers Court
Worthington, OH 43085

Gary V. Pack
Service Merchandise
Company, Inc.
PO Box 24600
Nashville, TN 37202-4600

Susan M. Miller
Service Management/800
Number
Administration Committee of
the Ordering and Billing
Forum
1200 G Street, NW
Suite 500
Washington, DC 20005

Eugene J. Baldrate
Southern New England
Telephone Company
227 Church Street
New Haven, Connecticut
06510

Durward D. Dupre
Robert M. Lynch
J. Paul Walters, Jr.
Southwestern Bell Telephone
Company
One Bell Center
Room 3520
St. Louis, Missouri 63101

Leon M. Kestenbaum
Jay C. Keithy
Norina T. Moy
Sprint Corporation
1850 M. Street, NW Suite
2110
Washington, DC 20036

*Robert L. Stitt

D. Kelly Daniels
Bradley W. Prentiss
Telco Planning, Inc.
808 The Pittock
921 SW Washington Street
Portland, Oregon 97205

W. E. Miller Jr.
Telecompute Corporation
1275 K Street, NW
Suite G-9
Washington, DC 20005

Charles C. Hunter
Kevin S. KiLallo
Hunter & Mow, PC
16201 I Street, NW
Suite 701
Washington, DC 20006
Attorneys for the
Telecommunications
Resellers Association

Victoria A. Shlesigner
Gregory M. Casey
Telemation International,
Inc.
6707 Democracy Blvd.
Suite 800
Bethesda, MD 20817

Edwin N. Lavergne
Darren L. Nunn
Ginsburg, Feldman, and
Bress
1250 Connecticut Avenue, NW
Washington, DC 20036
Attorneys for the Weather
Channel

Eric Fishman
Fletcher, Heald & Hildreth,
PLC
1300 North 17th Street
11th Floor
Rosslyn, VA 22209
Attorney for TLDP
Communications, Inc.

David R. Poe
LEBOEF, LAMB, GREENE &
MacRAE, LLP
1875 Connecticut Avenue
Suite 1200
Washington, DC 20009
Attorneys for Time Warner
Communi-
cations Holdings, Inc.

Mary McDermott
Linda kent
Charles D. Cosson
United States Telephone
Association
1401 H. Street, NW
Suite 600
Washington, DC 20005

J. Kriesten Liesemer
Unitel Communications, Inc
200 Washington Street West
Toronto, Ontario

Gregory L. Cannon
US West Communications,
Inc.
Suite 700
1020 19th Street, NW
Washington, DC 20036

Rodney C. Elser
Westvaco
Corporate Center
1011 Boulder Springs Drive
Richmond, VA 23225

*Vivian Williams

M. Joe Wiseman
Wise Telecommunications
PO Box 4615
Lafayette, LA 70502

* Unable to serve copy of
reply comments; party did
not include address with
comments and unable to
locate.